

KEN THERRIEN
Attorney at Law
413 NORTH SECOND STREET
Yakima, WA 98901
(509) 457-5991
kentherrien@msn.com

Attorney for Defendant:
LORENZO ELIAS MENDEZ

**EASTERN DISTRICT OF WASHINGTON
IN THE UNITED STATES DISTRICT COURT
(Honorable Salvador Mendoza Jr.)**

UNITED STATES OF AMERICA,)	
)	NO. 18-CR-2037-SMJ
Plaintiff,)	
)	
vs.)	
)	SENTENCING MEMORANDUM
)	
LORENZO ELIAS MENDEZ,)	
)	
Defendant.)	

TO: WILLIAM D. HYSLOP, United States Attorney
AND TO: THOMAS J. HANLON, Assistant United States Attorney;
AND TO: ALISON L. GREGOIRE, Assistant United States Attorney;
AND TO: CARRIE VALENCIA, United States Probation Officer

Introduction

Lorenzo Elias Mendez, by and through his attorney of record, Ken Therrien hereby submits this sentencing memorandum in preparation for his sentencing hearing scheduled for January 7, 2020 at 9:30 a.m. in Yakima, Washington. At the

SENTENCING MEMORANDUM - 1

KEN THERRIEN, PLLC
413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 time of his sentencing Lorenzo Elias Mendez respectfully request that the Court
 2 recommend that he be allowed to serve the sentence imposed by this Court at the
 3 Federal Correctional Facility located in Coleman II, Florida. The defendant
 4 respectfully requests leave to supplement this sentencing along with additional
 5 information prior to the sentencing hearing. In support of arguments set forth in
 6 this sentencing memorandum, Lorenzo Mendez submits the Mitigation Report
 7 prepared of Tiffany Cunningham of Pinnacle Mitigation, which is incorporated by
 8 reference s part of this sentencing memorandum.
 9

10

11 **I. Base Offense Level & Enhancements**

12 **Objections to the PSIR Guideline Calculations**

13 **Objection page 9 paragraph 46 PSIR:**

14
 15 Lorenzo Mendez objects to the calculation of the base offense level at 32. The
 16 basis for the objection is addressed in Lorenzo Mendez' sentencing memorandum
 17 at pages 12 - 14.
 18
 19

20 **Objection page 9 paragraph 48 PSIR:**

21 Lorenzo Mendez objects to the two-level increase to his offense level pursuant to
 22 USSG § 2G2.1(b)(5). In the application notes of subsection (b)(5) advises "In
 23 determining whether to apply this adjustment, the court should look to the actual
 24 relationship that existed between the defendant and the minor and not the simply to
 25 the legal status of the defendant minor relationship. At trial from E.H. herself
 26 testified there was not a relationship of any kind between her and Lorenzo Mendez.
 27 E.H. told the police when they interviewed her and testified at trial that she told
 28
 29

1 Lorenzo Mendez early on in his relationship with E.H. mother that they were not
2 family and she hated him. There in fact was no relationship between Lorenzo
3 Mendez and E.H. The only reason that E.H. stayed at the Moxee residence “part
4 time” because of her mother’s insistence. Lorenzo Mendez testified that near the
5 end of 2017 he was in a relationship with another woman and was trying to get
6 both E.H. and her mother out of the house.
7

8
9 **Objection page 9 paragraph 53 PSIR**

10 Lorenzo Mendez objects to the 5-level increase to his offense level based on USSG
11 § 4B1.5(b)(1). In support of this objection Lorenzo Mendez cites U.S. v. Corp 668
12 F.3d 379 (6th Cir. 2012). In Corps the Court must find by preponderance of the
13 evidence that Lorenzo Mendez engaged in a pattern of activity involving
14 prohibited sexual conduct. The jury convicted Lorenzo Mendez of attempted
15 production of child pornography, However the facts in Lorenzo Mendez case do
16 not support that he committed with sexual intent. There is no evidence nor was one
17 presented that Lorenzo Mendez had conducted grooming technique or in engaged
18 in any sexual behavior toward E.H. in any way. In fact, the two disliked each other.
19 Also, no other evidence that Lorenzo Mendez was inappropriate with any other
20 minor presented or exists. To label him as a “repeat and dangerous sex offender
21 against minors based is a rigid and unwarranted interpretation of the guidelines.
22 There is no pattern of abuse. To be a pattern of abuse the perpetrator would have to
23 know his abusive act would yield the result intended. The person accessing child
24 pornography knows he is doing that. The perpetrator who schedules to meet what
25 they think is an underage minor knows that he is doing that. There is no evidence
26 that was presented that Lorenzo Mendez knew E.H. bedroom habits and the
27 introduction of a surveillance camera would yield such desired results.
28
29
30
31

SENTENCING MEMORANDUM - 3

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 Offense Level Computations based on objections would be no more than base
2 offense level of 34 with a 155-188 months.

3 4 II. Departures

5 Mr. Mendez makes this request for a Downward Departure of 4 level offense
6 levels pursuant to U.S.S.G. § 5K2.13 as a result of the Post Traumatic Stress
7 Disorder suffered by Lorenzo Mendez from years of severe physical and emotional
8 abuse suffered as a child by his father and the effects of the PTSD experienced by
9 Lorenzo Mendez as a tribal police officer for 9 years with the Yakama Nation. If
10 the Court determines that Lorenzo Mendez is not entitled to the requested
11 departure, Lorenzo Mendez requests that the Court consider a downward variance
12 under U.S. Booker
13
14

15 16 III. 18 U.S.C. 3553 Sentencing Factors

17 18 § USC 3553 sets out factors to be considered by the Court when determining
18 what sentence would be sufficient, but not greater than necessary, to comply with
19 the purposes of the statute. While no one factor is necessarily more determinative
20 than the other, 18 § USC 3553 provides a sequential list of factors to assist the
21 sentencing Court in its analysis.
22

23 The District Court may not presume that the guideline range is reasonable,
24 nor should the guideline factors be given any more or less weight than any other.

25 **United States v. Carty**, 520 F.3d 984, 991 (9th Cir. 2008) en banc, citing **Rita**¹,
26
27
28

29 ¹ Rita v. United States, 127 S.Ct. 2456 (2007)
30 SENTENCING MEMORANDUM - 4
31

1 Gall², and Kimbrough³. The guidelines are but one factor to be taken into
 2 account in arriving at an appropriate sentence. Id.

3
 4 The Nature and Circumstances of the Offense

5 On June 16, 2018, Lorenzo Mendez was indicted on charges of Attempted
 6 Production of Child Pornography U.S.C. § 2251 (a), (e). On May 21, 2019, a
 7 Superseding Indictment was filed, ECF 101. On August 15, 2019, trial concluded
 8 on the indictment filed on Lorenzo Mendez case. On August 16, 2019, the case
 9 went to the jury and on August 16, 2019, at 6:58 p.m. the jury returned a verdict of
 10 guilty as to the charge set forth in the indictment.
 11

12 During the trial, the Government alleged that from January 2018 to June
 13 2018, Lorenzo Mendez surreptitiously recorded E.H., 14 years old at the time,
 14 when she stayed at Lorenzo Mendez's residence. E.H.'s mother, F.H., testified she
 15 had located video of E.H. on Lorenzo Mendez's cell phone during a visit with
 16 Lorenzo Mendez at his father's house in Bullhead City, Arizona.
 17

18 F.H. waited until the couple had returned to the Sea-Tac Airport to contact
 19 police and when Lorenzo Mendez returned to his residence, he was arrested.
 20 Search warrants were issued for his house and vehicles. Located was surveillance
 21 cameras and a stuffed animal with a surveillance camera located in one of the eyes.
 22 The Government presented testimony from an expert in Computer Forensics to
 23 testify that the surveillance camera located in the eye of the stuffed animal created
 24 the video and images located on Mr. Mendez's phone. A total of 599 images of EH
 25 were located on Mr. Mendez's phone.
 26
 27

28
 29 ² Gall v. United States, 127 S.Ct. 2833 (2007)

30 ³ Kimbrough v. United States, 128 S.Ct. 558 (2007)

1 Mr. Mendez presented forensic expert testimony evidence challenging the
2 Government's expert testimony. Lorenzo Mendez testified and called civilian
3 witnesses and did testify at trial denying the charges. Mr. Mendez theory was that
4 E.H.'s mother had set him up and downloaded those images on his phone without
5 his knowledge. During the trial, no evidence was presented that Lorenzo Mendez
6 groomed or made any sexual advances to E.H. No evidence was presented that
7 child pornography was found on any of the computers seized from Mr. Mendez's
8 residence or any property he had in his possession.
9

10 11 History and Characteristics of the Defendant

12 At the time of his arrest in June of 2018, Lorenzo Mendez had been a
13 Yakama Tribal Police Officer for over nine years. Lorenzo Mendez is also a father
14 of two children from his marriage to Anabel Garza. As a police officer, Lorenzo
15 Mendez saved lives, encountered people at their worst and on more than one
16 occasion, faced life and death situations.
17

18 Prior to being a police officer, Lorenzo Mendez had encounters with drug users,
19 violent individuals, people acting at their worst. Lorenzo Mendez did not have to
20 watch television to experience this behavior. Lorenzo did not have to walk through
21 crime ridden neighborhoods to encounter drug abuse and violence. All Lorenzo
22 Mendez had to do was wake up in the morning and get out of bed to greet his
23 father. As identified in Ms. Cunningham's mitigation report, Lorenzo Mendez at a
24 very early age was in a constant fight, flight, or freeze mode. Lorenzo grew up
25 with the understanding that minor transgressions whether real or imaginary were
26 punished. Punishment was swift always physical and mainly brutal.
27

28 As an example, Lorenzo recalls walking into the kitchen and observing his
29 father sitting at the kitchen table in a suicidal rage cutting his arms and wrists.
30

31 SENTENCING MEMORANDUM - 6

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 Lorenzo watched as his father used the knife to slice open his own stomach.
2 Lorenzo reports that he blanked out when he saw this. Lorenzo Mendez childhood
3 is filled with episodes father's abusive/drug induced behavior.

4 It is a testament to Lorenzo Mendez that character considering the
5 dysfunctional upbringing he received, he did not perpetrate a life of emotional and
6 physical abuse on to his children. Lorenzo Mendez was married for 14 years with
7 Anabel and it was a long-established relationship. Lorenzo Mendez's children love
8 and respect him. His ex-wife is supportive of him.

9
10 Lorenzo Mendez came from a horrendous background, filled with physical
11 and emotional abuse. Through all that he worked while in high school. He served
12 the Army National Guard and after 8 years of service, was honorably discharged.
13 He used his veteran benefits to put himself through college obtaining a bachelor's
14 degree from Central Washington University in Law and Justice.

15
16 After all that has happened to him, extreme physical abuse and emotional
17 abuse from an abusive/drug impaired father, a mother who abandoned him to
18 whatever fate had in store for him. The loss of his sister, Vanessa to cancer at a
19 young age, greatly affected him. Vanessa had been the one who was there for him
20 during this difficult time period who shared the abuse by his father.

21
22 Good thing happened for Lorenzo as well. Lorenzo Mendez found Anabel, a
23 woman who loved him for all his faults, children who adored him and who he
24 loved with every ounce of his being. Lorenzo Mendez had it all. Lorenzo Mendez,
25 left this for a woman who manipulated and used him. Her daughter hated and
26 resented him.

27 Because of the post-traumatic stress disorder, he was suffering from his job
28 and childhood abuse, it prevented Lorenzo from appreciating what he had. As Ms.
29 Cunningham explains in her mitigation report, the combination of a corruptive
30 SENTENCING MEMORANDUM - 7

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 environment and suffering from post-traumatic stress disorder, at a very young age
2 and with his job prevented Lorenzo Mendez from “pumping the breaks on his
3 behavior.”
4

5 Seriousness of the Offense, Respect for the Law, and providing a Just Punishment
6

7 Lorenzo Mendez respectfully submits that a 180-month sentence, followed
8 by five years of supervised release is a sufficient but not greater than necessary
9 sentence, which reflects the seriousness of the offense; promotes respect for the
10 law and provides a just punishment for the crimes he has pled guilty to.

11 Lorenzo Mendez, prior to being charged with this crime, had no prior
12 criminal history. Lorenzo Mendez has been on pretrial release since the
13 commencement of this case in Federal Court and has complied with all conditions
14 of release imposed upon him.
15

16 This Court need not sentence Lorenzo Mendez to any more than 180 months
17 to satisfy this sentencing factor. See, e.g., United States v. Baker, 445 F.3d 987,
18 990, 992 (7thCir. 2006) (affirming non-guideline sentence that was justified, in
19 part, by the fact that prison would “have a greater impact” on someone with no
20 “previous experience being incarcerated”); United States v. Qualls, 373 F.Supp.
21 2d 873, 877 (E.D. Wis. 2005) (“Generally, a lesser period of imprisonment is
22 required to deter a defendant not previously subject to lengthy incarceration than is
23 necessary to deter a defendant who has already served previous time yet continues
24 to re-offend.”).
25
26

27 Afford an Adequate Deterrence to Criminal Conduct
28

29 The need for deterrence supports no more than the imposition of the
30 mandatory minimum sentence of 180 months. Empirical evidence supports the
31

SENTENCING MEMORANDUM - 8
KEN THERRIEN, PLLC
413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 assertion that there is no direct relationship between sentence length and deterrence
 2 regardless of the type of crime. See Andrew Von Hirsch ET AL., Criminal
 3 Deterrence and Sentence Severity: An Analysis of Recent Research (1999)
 4 (Concluding that “correlations between sentence severity and crime rates...were
 5 not sufficient to have statistical significance and that the studies reviewed do not
 6 provide a bases for inferring that increasing the severity of sentences generally is
 7 capable of enhancing deterrent effects”).

8
 9 There is no evidence to support the conclusion that the lengthy
 10 imprisonment of child-pornography possessors has any general deterrent or
 11 preventative effect on the production or dissemination of child pornography. See,
 12 e.g., **United State v. Beiermann**, 599 F. Supp. 2d 1087, 103-04 (N.D. Iowa 2009)
 13 (“[W]e cannot sentence Internet users and sharers of child pornography fast
 14 enough or long enough to make a dent in the availability of such material on the
 15 Internet,” and while deterrence is a “laudable” goal, it “is not being achieved
 16 according to any empirical or other evidence in this case or, for that matter,
 17 empirical evidence in any other case or source that I am aware of.”); **United States**
 18 **v. Stern**, 590 F. Supp. 2d 945, 952 n. (N.D. Ohio 2008) (“The Court is ...forced to
 19 note the somewhat limited impact of domestic prosecution for a fundamentally
 20 international crime...[N]o court should be deluded into believing that limiting
 21 domestic consumption alone can eradicate the international market for child
 22 pornography.”); **United State v. Raby**, No. 2:05-cr-00003, 2009 WL 5173964, at
 23 **6-7 (S.D. W. Va. Dec. 30, 2009) (unpublished) (“The worldwide make for child
 24 pornography is so vast that the relative market impact of [] having even 592
 25 additional images is minuscule.”)

26
 27 Lorenzo Mendez will upon his release be labeled a sex-offender, be subject
 28 to sex-offender registration requirement, prohibitions on where he can go in public
 29
 30 SENTENCING MEMORANDUM - 9

KEN THERRIEN, PLLC

413 North Second Street
 Yakima, WA 98901
 (509) 457-5991

1 and who he can and cannot associate with. On his release from custody, another
2 component of Lorenzo Mendez' sentence will begin. The collateral consequences
3 to a conviction of this type cannot be understated. Lorenzo Mendez' history and
4 characteristics and the need for deterrence support the imposition of a 180-month
5 sentence.

6
7
8 Protect the Public from Further Crimes of the Defendant

9 Lorenzo Mendez is not a violent person. Lorenzo Mendez, prior to being
10 charged with and convicted of this crime, had no criminal history. Lorenzo
11 Mendez was a Yakama Tribal Law Enforcement Officer for nine years. Honorably
12 discharged from the Military. A graduate from Central Washington University with
13 a degree a in Law and Justice.

14 This factor will be satisfied by the imposition of the 180-month sentence, the
15 five years of supervised release with the conditions of supervision imposed in the
16 pre-sentence investigation report.

17
18
19 As a former Police Officer and a Convicted Sex Offender Lorenzo Mendez Would
20 be Subject to Abuse from Other Prisoners while Incarcerated

21 Lorenzo Mendez requests this court grant him a variance of 2 levels to his
22 guideline range because he is a former police officer and in addition to being
23 convicted of attempted production of child pornography. Courts have recognized
24 basis for granting downward departures based on the defendants' vulnerability.
25 Koon v. U.S. 518 U.S. 81 (1996) No abuse of discretion to grant downward
26 departure for police officers convicted of civil rights violation US v. Slages 16-CR-
27 00378-DCN U.S. District Court South Carolina. Defendant was a police officer
28 who shot an unarmed suspect while fleeing from him citing U.S. v. Volpe 78 F.
29 SENTENCING MEMORANDUM - 10

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 Supp 76, 84 (E.D. N.Y. 1999) (Court granted two level reduction in guideline
2 range).

3 18 USC §3553 (a) (1) (D) addresses a very important factor in Lorenzo
4 Mendez punishment and rehabilitation. See U.S. v Lara, 905 F.2d 599 (2nd Cir.
5 1990):((departure affirmed for defendant who had “feminine cast to his face” and
6 “softness of features” which would make him prey to prisoners;) U.S. v. Parish,
7 308 F.3d 1025 (9th Cir. 2002) (eight level departure granted in child porn case in
8 part because defendant has “high susceptibility to abuse in prison” due to his
9 demeanor, his naiveté, and the nature of the offense).
10
11

12 **V. The Guideline Range in this Case is Excessive and a Downward**
13 **Variance Is Warranted Based on Policy Disagreements with the Guideline.**
14

15 A 180-month sentence is also appropriate in light of both the flaws in the
16 child-pornography Guideline and Lorenzo Mendez actual conduct.

17 Lorenzo Mendez receives numerous, dramatic increases to his base offense
18 level under U.S. Sentencing Guideline § 2G2.2 that serve no specific sentencing
19 purpose and that are wholly divorced from Lorenzo Mendez moral culpability such
20 that they adequately reflect 18 U.S.C. § 3553(a).
21

22 **VI. Criticisms of the Child-Pornography Guideline**
23

24 Although the Court is obligated to calculate the Guideline range correctly
25 prior to the imposition of sentence, Gall v. United States, 552 U.S. 38, 49 (2007),
26 it may not treat that range as mandatory or presumptively reasonable, *id.* at 51.
27 Rather, the Guideline as “one factor among several” to be considered in imposing
28 an appropriate sentence under § 3553(a). Kimbrough v United States, 552 U.S.
29 85, 90 (2007). Following consideration of the § 3553(a) factors, the Court’s
30 SENTENCING MEMORANDUM - 11

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 overarching duty is to impose a sentence sufficient, but not greater than necessary
2 to accomplish the goals of sentencing, regardless of the Guideline in a particular
3 case. **Pepper v. United States**, 131 S. Ct. 1229, 1242–43 (2011).

4 One of the ways that the Supreme Court ensures that the Guidelines are truly
5 advisory—and, ergo, constitutional—is to allow a sentencing court to disagree
6 with a Guideline as a matter of policy. **Rita v. United States**, 551 U.S. 338, 351
7 (2007); see also **Spears v. United States**, 555 U.S. 261, 267 (2009) (“[D]istrict
8 courts are entitled to vary from the crack cocaine Guidelines in a mine-run case
9 where there are no ‘particular circumstances’ that would otherwise justify a
10 variance from the Guidelines’ sentencing range.”). Although the majority of the
11 Supreme Court’s jurisprudence related to the categorical rejection of sentencing
12 Guidelines focuses on those promulgated by the U.S. Sentencing Commission, the
13 Supreme Court has also intimated that congressionally directed Guidelines are
14 subject to the same policy-based variances. See, e.g., **Vazquez v. United States**,
15 130 S. Ct. 1135 (2010).

16 In fact, the Ninth Circuit has explicitly held that the child pornography
17 Guideline suffers from numerous flaws that render it vulnerable to categorical
18 attack. See **United States v. Henderson**, 649 F.3d 955, 962–63 (9th Cir. 2011). In
19 *Henderson*, the Ninth Circuit reviewed the history of the child-pornography
20 Guideline and held that it had been repeatedly ratcheted higher and higher not
21 because of reasoned, researched studies, but as a result of congressional pressure.
22 *Id.* at 960–62.

23 The Ninth Circuit is not alone in its skepticism of the child pornography
24 Guideline. In February 2013, the U.S. Sentencing Commission released a report to
25 Congress on the Guideline for non-production offenders—i.e., individuals such as
26 Jake Jarvis—that was highly critical of the Guideline’s implementation and
27 SENTENCING MEMORANDUM - 12

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

effectiveness. See U.S. SENT'G COMM'N, REPORT TO THE CONGRESS, FEDERAL CHILD PORNOGRAPHY OFFENSES (2012).⁴

The Commission has a “statutory duty to consider whether the guidelines are in need of revision in light of feedback from judges as reflected in their sentencing decisions,” and was motivated to draft the report because of courts’ increasing imposition of below-guideline sentences for offenders sentenced under U.S.S.G. § 2G2.2. *Id.* at 6.

Some of the concerns that the Commission voiced include the fact that the specific offense characteristics in U.S.S.G. § 2G2.2(b) “do not reflect the changes” in the computer and Internet technologies that typical non-production offenders use, such that the existing sentencing scheme in “non-production cases no longer adequately distinguishes among offenders based on their degrees of culpability.” *Id.* at ii, 323. The Commission explained that because the enhancements for computer use and type and volume of images (which Jake Jarvis receives) “now apply to most offenders,” the Guideline “fail[s] to differentiate among offenders in terms of their culpability.” *Id.* at iii, xi; *id.* at 209, 323. The Commission further explained that “technological changes have resulted in exponential increases in the volume and ready accessibility of child pornography, including many graphic sexual images involving very young victims, a genre of child pornography that previously was not widely circulated.” *Id.* at 6.

⁴ A copy of the report is available at <http://www.ussc.gov/news/congressional-testimony-and-reports/sex-offense-topics/report-congress-federal-child-pornography-offenses>

1 The Commission reported that “not all child pornography offenders are
2 pedophiles or engage in other sex offending.” *Id.* at 104. Approximately one in
3 three offenders sentenced under § 2G2.2 “have engaged in” what the
4 Commission deems “sexually dangerous behavior,” criminal or non-criminal, past
5 or present, based on allegations in PSRs, arrests, and convictions. *Id.* at ix-x, 204–
6 05. However, “the current guideline measures for offender culpability (e.g., for
7 distribution of child pornography, number of images possessed, possession of
8 sado-masochistic images) are generally not associated with significantly higher
9 rates of [criminal sexually dangerous behavior].” *Id.* at 204.

11 In short, because “sentencing enhancements that originally were intended to
12 provide additional proportional punishment for aggravating conduct now routinely
13 apply to the vast majority of offenders,” *id.* at xi, the “current guideline does not
14 adequately distinguish among offenders regarding their culpability for their
15 collecting behaviors,” *id.* at 323. The cumulative enhancements addressing the
16 content and volume of images possessed, “in addition to base offense levels of 18
17 or 22, result [] in guideline ranges that are overly severe for some offenders in
18 view of the nature of their collecting behavior.” *Id.*

20 And, after this exhaustive review, the Commission ultimately concluded that
21 “[t]he current sentencing scheme in § 2G2.2 places a disproportionate emphasis on
22 outdated measures of culpability regarding offenders’ collecting behavior and
23 insufficient emphases on offenders’ community involvement and sexual
24 dangerousness.” *Id.* at xx; 321.

27 VII. Conclusion

28 Based on the information provided in this report and the Mitigation Report
29 in support of this memorandum. Lorenzo Mendez respectfully submits a One-
30 SENTENCING MEMORANDUM - 14

KEN THERRIEN, PLLC

413 North Second Street
Yakima, WA 98901
(509) 457-5991

1 Hundred Eighty (180) month sentence to be followed by five years of supervised
2 release is appropriate in this case. The proposed sentence reflects 18 U.S.C. §
3 3553(a), and treats the child-pornography Guideline with the skepticism that it
4 deserves in light of empirical research and Lorenzo Mendez' actual offense
5 conduct.
6

7
8 Dated this 20th day of December, 2019.
9

10
11 Respectfully submitted by:

12
13 /s/Ken Therrien

14 KEN THERRIEN, WSBA #20291

15 Attorney for Lorenzo Elias Mendez

16 413 NORTH SECOND STREET

17 Yakima, WA 98901

18 (509) 457-5991

19 Fax: (509) 457-6197
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on December 20, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send electronic notification of such filing to:

- ALISON GREGOIRE, Assistant United States Attorney
- THOMAS J. HANLON, Assistant United States Attorney
- CARRIE VALENCIA, United States Probation Officer.

/s/ Ken Therrien

KEN THERRIEN, WSBA #20291
Attorney for Lorenzo Elias Mendez
413 NORTH SECOND STREET
Yakima, WA 98901
(509) 457-5991
Fax: (509) 457-6197
kentherrien@msn.com